

Message Text

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ACTION L-03

INFO OCT-01 AF-10 EUR-25 EA-11 NEA-10 IO-13 ADP-00 ARA-16

COA-02 EB-11 OIC-04 CIAE-00 DODE-00 PM-07 H-03 INR-10

NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-15 USIA-15

ACDA-19 AEC-11 AGR-20 CG-00 COME-00 DOTE-00 FMC-04

INT-08 JUSE-00 NSF-04 OMB-01 SCI-06 CEQ-02 EPA-04

RSR-01 NIC-01 /252 W

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R 100825Z AUG 73

FM USMISSION GENEVA

TO SECSTATE WASHDC 1094

INFO USMISSION USUN NY

AMEMBASSY MADRID

AMEMBASSY MOSCOW

AMEMBASSY NAIROBI

AMEMBASSY NEW DELHI

AMEMBASSY OTTAWA

AMEMBASSY REYKJAVIK

AMEMBASSY TOKYO

AMEMBASSY WARSAW

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EO 11652: N/A

TAGS: PBOR, UN

SUBJECT: LOS: SEABED COMMITTEE MEETING, SUBCOMTE II
INFORMAL WORKING UNIT ON FISHERIES, AUGUST 7,1973

1. SUMMARY: SECOND MEETING OF INFORMAL WORKING UNIT
ON FISHERIES CONCENTRATED ON ARTICLE 4 OF SIX-POWER
DRAFT PROPOSAL. DIFFERENCES EMERGED BETWEEN RIGHTS OF
ACCESS TO ZONE DESIRED BY DISTANT WATER FISHING STATES
AND RIGHTS CO-SPONSORS WERE WILLING TO GRANT.

END SUMMARY

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2. CANADIAN REP, ACTING ON BEHALF CO-SPONSORS, OPENED SECOND MEETING BY STRESSING INFORMAL NATURE OF CONSULTATIONS ON SIX-POWER FISHERIES PROPOSAL (A/AC/138/SC.II/L.38). HE COMMENTED THAT SEVERAL DELEGATES HAD NOT HAD OPPORTUNITY TO MAKE GENERAL COMMENTS. AFTER THAT, GROUP SHOULD CONCENTRATE ON ARTICLE 4 AS ARTICLES 1-3 WERE SUBSUMED UNDER EXCLUSIVE ECONOMIC ZONE.

3. POLISH REP CRITICIZED DISCRETIONARY AUTHORITY PROVIDED IN ARTICLE 4 REGARDING COASTAL STATES ALLOWING NATIONALS OF OTHER STATES TO FISH IN ZONE. HE SUGGESTED THAT WORDS "MAY ALLOW" BE CHANGED TO "SHALL ALLOW." POLAND FELT COASTAL STATES SHOULD HAVE OBLIGATION TO MAKE MAXIMUM UTILIZATION OF RESOURCES.

4. CANADIAN REP POINTED OUT CO-SPONSORS WOULD HAVE DIFFICULTY DEPARTING FROM BASIC PREMISE THAT COASTAL STATES HAD SOVEREIGN RIGHTS OVER RESOURCES.

5. INDIA INDICATED CO-SPONSORS INTENDED TO ALLOW DISTANT WATER FISHING WITHIN ZONE. ART. 4 WAS ELABORATION OF RIGHTS COASTAL STATE HAD IN ART. 1.

6. JAPAN REMINDED DELEGATES THAT IT HAD FISHERIES PROPOSAL BEFORE GROUP AND THAT WHILE IT WOULD DISCUSS L. 38, THIS DID NOT MEAN JAPAN RECOGNIZED EXCLUSIVE ECONOMIC ZONE FOR FISHING.

7. SOVIET REP SUGGESTED FILLING IN UNKNOWN ASPECTS SUCH AS FIGURE FOR FISHING ZONE. FRIENDLY RELATIONS WERE INSUFFICIENT LEGAL BASIS TO PROTECT THIRD PARTY FISHERMEN. REFERENCE TO DISPUTE SETTLEMENT WAS SUPERFICIAL FEATURE BECAUSE TOO VAGUE TO EVALUATE. SOVIET SUPPORTED JAPANESE POINT OF VIEW THAT OTHER PROPOSALS SHOULD BE CONSIDERED BESIDES L.38.

8. CANADIAN REP RESPONDED THAT ATTENTION WAS NOW CONCENTRATED ON L.38 AND THAT LIMIT OF FISHING ZONE WAS RELATED TO LIMIT OF ECONOMIC ZONE. IT WAS OBVIOUS UNCLASSIFIED

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WHICH FIGURE WAS COMMANDING GREATEST SUPPORT.

9. ICELAND SUPPORTED 200-MILE EXCLUSIVE ECONOMIC ZONE BUT ADDED THAT PROVISION MIGHT BE ADDED REGARDING MINIMUM STANDARDS FOR UTILIZATION OF FISH STOCKS.

10. SPANISH REP SUGGESTED THAT THIRD STATE PARTICIPATION MIGHT BE CONSIDERED TOGETHER (ARTS. 4, 5 AND 6). REP

NOTED THAT COASTAL STATE OBLIGATIONS IN ZONE TO NEIGHBORING DEVELOPING COASTAL STATES AND DEVELOPING LANDLOCKED STATES WERE STRONGER THAN TO OTHER NATIONALS.

11. FRENCH REP MADE SEVERAL GENERAL COMMENTS AND EXPRESSED CONCERN ABOUT COASTAL STATE ACTING ARBITRARILY. MEXICO SUGGESTED THAT TONNAGE OF VESSELS BE INCLUDED AS CONDITION TO FISHING IN AREA AND SUGGESTION WAS FAVORABLY RECEIVED BY CO-SPONSORS.

12. US REP EMPHASIZED NEED FOR DUTY ON COASTAL STATES TO CONSERVE RESOURCES IN AREA. COASTAL STATES FISHING PREFERENCES SHOULD BE COUPLED WITH FULL UTILIZATION OF RESOURCES. CANADA WAS RECEPTIVE TO US SUGGESTION.

13. INDIAN REP RESPONDED THAT UNDERLYING PHILOSOPHY WAS THAT COASTAL STATE OWNED RESOURCES IN ZONE AND WOULD LICENSE OTHERS. ONCE PRINCIPLE OF COASTAL STATE OWNERSHIP WAS ACCEPTED, THEN CO-SPONSORS WOULD CONSIDER BALANCE BETWEEN COASTAL AND DISTANT WATER FISHING INTERESTS.

14. KENYAN REP POINTED OUT THAT COASTAL STATES WOULD BE MAKING DIFFERENT KINDS OF CONCESSIONS AMONG ARTS. 4, 5 AND 6. REGULATIONS MIGHT VARY DEPENDING UPON WHAT COASTAL STATE WAS TRYING TO ACHIEVE. DISCRIMINATION WOULD BE EXERCISED IN FAVOR OF COASTAL STATE NATIONALS.

15. NEW ZEALAND FAVORED ECONOMIC APPROACH OF L.38. REP RAISED SEVERAL TECHNICAL QUESTIONS INCLUDING WHETHER LICENSE FEES WOULD BE SAME FOR NATIONALS AND NON-NATIONALS. DENMARK SUGGESTED SPECIFIC LANGUAGE TO UNCLASSIFIED

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TAKE INTO ACCOUNT THOSE WHO HAD HABITUALLY FISHED IN ZONE AS WELL AS SPECIAL NEEDS OF THOSE STATES PARTICULARLY DEPENDENT UPON FISHERIES.

16. INDIA RESPONDED THAT CONCEPT OF HABITUAL FISHING RIGHTS MIGHT BE INCONSISTENT WITH EXCLUSIVE ECONOMIC ZONE APPROACH. PROBLEM OF SPECIAL FISHERIES DEPENDENCE RATED SEPARATE ARTICLE.

17. ROMANIA TOOK EXCEPTION TO DISTINCTIONS MADE BETWEEN DEVELOPING AND DEVELOPED COUNTRIES. KENYA ARGUED THAT MAXIMUM SUSTAINABLE YIELD WAS DIFFICULT TO DETERMINE AS MOST COUNTRIES DID NOT KNOW ENOUGH ABOUT PRODUCTIVITY OF THEIR OFFSHORE FISHERIES. IRAQ SUGGESTED CO-SPONSORS CONSIDER CREATION OF CATEGORY FOR

NON-NEIGHBORING, GEOGRAPHICALLY DISADVANTAGED STATES
WHO WERE NOT HABITUAL FISHERMEN.BASSIN

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